

COLORADO STATE BOARD OF PHARMACY

February 16, 2012

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:33 a.m. on Thursday, February 16, 2012 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

HEARINGS

The Board conducted a public hearing concerning additions or amendments to Rules 3.00.00, 4.00.00, 11.00.00, 21.00.00, and 23.00.00 (3 CCR, 719-1). The hearing began at 9:30 a.m. and was held in Conference Room 110 D at 1560 Broadway, Denver, Colorado 80202. The Board discussed the proposed changes to the rules, and then adopted Rule 3.00.00 as proposed, 4.00.00 as amended, 11.00.00 as proposed, 21.00.00 as amended, and 23.00.00 as amended.

REPORTS

President's Remarks

No report was provided.

Program Director's Report

Ms. Anderson informed the Board that the previous Division Director, Rose McCool, retired from her position at the end of 2011. The Department of Regulatory Agencies is in the process of seeking a replacement.

Ms. Anderson requested that the Board select a voting delegate and alternate voting delegate for the National Association of Boards of Pharmacy's Annual Conference to be held in Philadelphia, Pennsylvania in May 2012. The Board voted unanimously to have Paul Limberis serve as the voting delegate and Luis A. Rivera-Lleras to serve as the alternate voting delegate.

Richard Morales, Healthcare Section Director, provided the Board with a brief legislative update regarding the status of the Pharmacy Sunset bill and other proposed bills that would affect the Board.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The CPS Legislative Committee has been actively involved in the drafting of the Pharmacy Sunset bill, and amendments have already been adopted as a result of CPS' testimony at the Pharmacy Sunset hearing before the House Health and Environment Committee on January 24, 2012. CPS will continue to monitor and lobby this bill throughout the legislative process.

A one hour continuing education (CE) course entitled "Pharmacy Safety and Security" was offered by CPS in Denver for pharmacists and pharmacy technicians on February 15, 2012. The course will be offered again on February 16, 2012.

The CPS Annual Summer Meeting and Fall Meeting are being combined into one 2012 CPS Annual Meeting and Exhibition to be held May 3-5, 2012 at the Cheyenne Mountain Resort in Colorado Springs, Colorado. Twelve hours of CE will be offered in dual tracks for health-system and community retail pharmacists.

Planning has already begun for the 2013 CPS Winter CE Seminar, January 13-15, 2013 in the Vail Cascade in Vail, Colorado. Fifteen hours of CE will be provided.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

Paul Limberis reported that the February 9, 2012 scheduled meeting was cancelled. However, both he and Jeannine Dickerhofe have been assigned to serve on a GEEERC subcommittee to determine how controlled substances can be obtained during an emergency.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University of Colorado Denver School of Pharmacy, reported that Peter Rice has stepped-down from being the associate dean of the school, and that David Thompson has been named as Mr. Rice's replacement. Dr. Jarvis further reported that both she and Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, testified before the House Health and Environment Committee on January 24, 2012 as part of the Pharmacy Sunset review in support of allowing pharmacy interns to be supervised by healthcare professionals other than pharmacists.

Jeannine Dickerhofe reported on behalf of the Regis University School of Pharmacy. Ms. Dickerhofe reported that the school is preparing for the next site visit by Accreditation Council for Pharmacy Education (ACPE) surveyors, and that the school is actively recruiting faculty for its Pharmacy Practice and Pharmaceutical Science departments.

Legislation - Jeannine Dickerhofe, RPh

Jeannine Dickerhofe reported that the Pharmacy Sunset hearing was held before the House Health and Environment Committee on January 24, 2012, and that all 13 recommendations included in the Department of Regulatory Agencies (DORA) Sunset Review will be included in the Pharmacy Sunset bill. She discussed amendments to the bill.

Ms. Dickerhofe further reported on the status of the following bills:

- SB 12-37 – Regarding the electronic transmission of controlled substance prescription orders;
- HB 12-1242 – Regarding biometric verification for all prescriptions prescribed and dispensed; and

- HB 12-1210 – Regarding the ability of a person to practice a profession in Colorado based upon active licensure in another state.

A bill requiring electronic tracking of methamphetamine precursor sales is anticipated in the next week.

Ms. Dickerhofe further reported that the next meeting of the Colorado Pharmacy Coalition will be February 29, 2012, where the coalition will be reviewing the language proposed to implement the thirteen DORA recommendations and seeking consensus on additional proposed amendments.

Inspectors

Craig Police Department, LTD 51

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding the results of a recent Board inspection of Craig Police Department and, after due consideration of the available information, voted unanimously to send an informational letter to Craig Police Department.

OLD BUSINESS

Stipulations

Diabetic Care Rx (OSP 5736) & Cases 2011-0076 and 2011-4116

The Board reviewed an Agenda Memorandum from Tia Johnson, Prescription Drug Monitoring Program Administrator, regarding Diabetic Care Rx's compliance with two separate Stipulation and Final Agency Orders it had entered into with the Board effective October 5, 2010 and August 2, 2011. After due consideration of the available information, the Board voted unanimously to refer both matters to Executive Session for discipline.

Licensing

Caraco Pharmaceutical Laboratories, Inc., WHO 7068

The Board tabled the application.

Miscellaneous

Craig Hospital's Proposal for Smoking Cessation Program

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Craig Hospital's proposal for a smoking cessation program. After due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously that while pharmacists may recommend and provide an over-the-counter drug to a patient and that Craig Hospital's smoking cessation program is permissible, it does not qualify as drug therapy management as governed under Board Rule 6.00.00.

Walgreens Drug Administration Program

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Walgreens drug administration program and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board determined that a pharmacy cannot apply a physician protocol for addressing adverse reactions for immunizations to all other administered drugs, and that a valid, patient-specific prescription order must be obtained for any prescription drug to be administered or dispensed for the purpose of addressing adverse reactions to administered drugs other than immunizations.

NEW BUSINESS

Complaints

Ham, Alan R., RPH 13530 **2012-1594**

Mary K. Arceneaux recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

Rose Medical Center Pharmacy, PDO 72 **2012-1723**

The Board voted unanimously to dismiss this case as being without merit.

Campbell, Robert C., RPH 14215 **2012-1726**

The Board voted unanimously to dismiss this case as being without merit.

Sam's Pharmacy # 10-6219, PDO 24-104 **2012-1795**

E. Katherine Edelblut recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this case pending receipt of additional information.

LICENSING/REGISTRATION

Med-Care Pharmacy, Nonresident Prescription Drug Outlet Applicant

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Med-Care Pharmacy's nonresident prescription drug outlet application. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to deny the application and refer the matter for discipline. Grounds for denial were noted to include, but were not limited to, CRS 12-22-125(1)(a) and (c).

MISCELLANEOUS

Correspondence, etc.

Complaint Regarding Unregistered Pharmacy & Case 2012-2574

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an unregistered business's use of the term "pharmacy" in its advertised name. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this complaint pending receipt of additional information.

Pharmacy Peer Health Assistance Diversion Program's 2nd Quarter Report

The Board noted the information.

ANNUAL PLANNING MEETING

Anonymous Complaint Regarding the Practice of Pharmacy

The Board reviewed an anonymous complaint and related information from The Pharmacy Alliance regarding the practice of pharmacy as it pertains to the overall working conditions, staffing levels and pharmacist working schedules in pharmacy. After careful consideration of the available information, the Board voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this matter pending receipt of additional information.

Continuing Professional Development (CPD)

The Board heard a presentation from Karen McConnell, Clinical Pharmacy Specialist in Cardiology for Kaiser Permanente, regarding a study Kaiser Permanente performed comparing the results of Continuing Professional Development (CPD) to traditional continuing education.

Prescription Delivery

The Board discussed the bagging and delivery of prescriptions and, after careful consideration of the available information, voted unanimously to refer the matter to Executive Session.

After Executive Session, the Board voted unanimously to table further consideration of this matter pending receipt of additional information.

EXECUTIVE SESSION

At 12:38 p.m., Board President Jeannine Dickerhofe, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 3:13 p.m.

Open Session

Case 2012-1629

The Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

ADJOURNMENT

The Board adjourned at 3:18 p.m.

Approved by Jeannine Dickerhofe, R.Ph., President Date: March 15, 2012